

AN ACT

RELATING TO PUBLIC SCHOOL FACILITIES; ENACTING A SECTION OF THE PUBLIC SCHOOL CAPITAL OUTLAY ACT TO PROVIDE FOR A "ONE PERCENT FOR THE TWENTY-FIRST CENTURY PROGRAM", UNDER WHICH SCHOOLS WILL BE EQUIPPED WITH SUSTAINABILITY FEATURES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Capital Outlay Act is enacted to read:

"SUSTAINABILITY FEATURES--ONE PERCENT FOR THE TWENTY-FIRST CENTURY.--

A. The council shall develop and implement a "one percent for the twenty-first century program", under which each capital outlay project for a school that receives grant assistance pursuant to the Public School Capital Outlay Act shall include an allocation for sustainability features, including, but not limited to, solar panels, solar hot water heaters, passive solar heating, rain catchment barrels, recycling receptacles and other equipment approved by the public school facilities authority. The amount allocated for sustainability features shall equal the lesser of:

- (1) one percent of the total project cost;
- (2) two hundred thousand dollars (\$200,000);

or

- (3) an amount set by the council if it

determines that the lesser of the estimated costs in Paragraphs (1) and (2) of this subsection will exceed the estimated life-cycle savings of the building, addition or renovation.

B. The council shall promulgate rules to determine if the cost of compliance with the requirements of this section would exceed the estimated life-cycle savings of the building, addition or renovation and such other rules as necessary to carry out the provisions of this section."

Section 2. TERMINATION OF PROGRAM--DELAYED REPEAL.--The one percent for the twenty-first century program is terminated on July 1, 2021, pursuant to the provisions of the Sunset Act. The program shall continue to operate according to the provisions of the Public School Capital Outlay Act until July 1, 2022. Effective July 1, 2022, the provisions of Section 1 of this act are repealed.

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2010. _____